O/G.P.C/52

1952.

File No. 80/52

Legal Dept.

K

G **BRANCH**

Subject:—

P-6
E

Opinions on the Criminal Procedure Code

(Parts I & II Combined)

O/G.P.C/52

File No. 80/52

Gen. 194 e.

C O N T E N T S.

Legi. Department File No. C. Cr. L.C./3302.

Sr. No.	F. T./C.No.	Subject.	Pages.
		Opinions on the Criminal Procedure Code.	
1)	C-427 5-9-52.	Temple Property under attachment by Court Desirability of serving grains from deterioration- Question as to what steps should be taken to save the foodgrains from deterioration.	1-4.
2)	C-117 17-3-52.	Conviction of Shri Chhitubhai by C.J.C. Magistrate, Surat by ordering payment of a fine of Rs. 95/- Proposal regarding remission of the fine	5-8.
3)	C-134 28-3-52.	Query for regarding application for explaining the remarks made by the C.J.M. in his judgment against the Iron and Steel Authorities (copies not made).	9-16.

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Office of the R.L.A.

From the statement in the letter of the Rationing Officer Poona at p.1 ante that none of the parties can enter the premises and collect grains before the idols, it is clear that the temple property is under attachment by the court. The Civil Supplies Department considers it desirable that some action should be taken to save the grains from deterioration. The best course in the circumstances would be to make an application to the court before whom proceedings under section 145 Criminal Procedure Code are pending to pass suitable orders for the disposal of the grains. The Magistrate himself has suggested such a course as will be seen from the Rationing Officer Poona's letter at p. 1 ante.

Sd/-

Remembrancer of Legal Affairs.

N.F.to C.D. , No. G-427, dated the 5th September 1952.

N.V.D.
24/9
4c.

Legal Department.

If fine has already been recovered from the accused, which fact H.D. should verify, the question of remitting it does not arise. (Please see the Advocate General (Shri Daphtary's) opinion No. 10, dated the 28th June 1946, a copy of which has been forwarded to H.D. under P.M.A's U.P. No. 241-Confl.9 dated the 1st July 1946). No order in that case under section 401 of the Criminal Procedure Code would be competent. The only remedy ~~is~~ for Government in their executive capacity to make further inquiry through their executive officers and on being satisfied of the incorrectness of the conviction to offer the accused such compensation or reparation as it may be possible to grant.

Sd/-

Additional Secretary to Government.

U.P. to H.D., No. G-117, dated the 17th March 1952.

B.V.D.
24/7
4c.